

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHNNY ELLIS,

Petitioner,

vs.

No. CV 21-00947 KWR/JHR

STATE OF NEW MEXICO,

Respondent.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on the pro se handwritten letter filed by Petitioner Johnny Ellis (Doc. 1) (“Petition”). The Court determines that the pro se Petition is deficient, as follows:

(1) Plaintiff has not paid the \$5 filing fee or filed an Application to Proceed in the District Court Without Prepaying Fees and Costs; and

(2) the pro se petition is not in proper federal form. (Doc. 1). It is handwritten and appears to challenge Ellis’s conviction and sentence for sexual assault on a minor in a New Mexico state court criminal proceeding. (Doc. 1 at 1). Ellis contends that “there was no physical evidence or medical.” (Doc. 1 at 1).

Plaintiff must cure the deficiencies if he wishes to pursue habeas corpus claims in federal court. The deficiencies must be cured within thirty (30) days of entry of this Order. Plaintiff must include the civil action number, CV 21-00947 KWR/JHR on all papers he files in this proceeding. If Plaintiff fails to cure the deficiencies within thirty (30) days, the Court may dismiss this proceeding without further notice.

IT IS ORDERED that, within thirty (30) days of entry of this Order, Petitioner Johnny Ellis cure the deficiencies by (1) paying the \$5 filing fee or submitting an Application to Proceed in the District Court Without Prepaying Fees and Costs and (2) filing a petition for writ of habeas corpus under 28 U.S.C. § 2254 in proper form.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail to Plaintiff , together with a copy of this order, (1) two copies of an Application to Proceed in the District Court without Prepaying Fees and Costs under 28 U.S.C. § 1915, with instructions, and (2) a form petition for writ of habeas corpus under 28 U.S.C. § 2254, with instructions.

A handwritten signature in blue ink, appearing to read "J. H. H. S.", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE